

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 10 2004

FILE

2

OFFICE OF  
MANAGING DIRECTOR

Mr. Elmer Fjell  
Birney TV Club  
Post Office Box 576  
Birney, Montana 59012

Re: Request for Deferral and Waiver of  
FY 2003 Regulatory Fee  
Birney TV Club  
Fee Control No. 00000RROG-04-043

Dear Mr. Fjell:

This is in response to your request dated March 4, 2004 on behalf of the Birney TV Club (Club) for waiver of the fiscal year (FY) 2003 regulatory fees for translator stations K11CH and K13RW. Our records indicate that you have not paid the \$365 fee or the \$91.25 late charge penalty.

In support of your request, you state that the Club is a non-profit operation and is supported solely by member dues that have not been collected since 1994. You also state that the Club serves fewer than fifty families, approximately half of which have never paid any dues. You state that, although most of your documentation has been lost, you include two pages from the Club membership ledger showing the dues paid by two individual members for a period spanning several years prior to 1994. Finally, you state that the Club will be forced to discontinue operations for lack of funds if required to pay the fees.

In implementing the regulatory fee program, the Commission stated that it would waive its regulatory fees for any community-based translator station upon a showing that the station:

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support.<sup>1</sup>

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<sup>1</sup> Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year; MD Docket No. 94-19, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761 para. 16 (1995).

The licensee bears the burden of documenting its eligibility for the waiver; otherwise, the regulatory fee is due. *Id.* Based on the statements in your letter, it appears that the Club meets the criteria (2) and (3) above for the type of translator operation for which the Commission will waive regulatory fees. There is nothing in your submission, however, that shows that the Club meets criterion (1). Therefore, your request contains insufficient basis to grant relief with respect to the FY 2003 regulatory fee. Nevertheless, in light of your general allegations, if you wish, you may file a further request for relief with respect to the FY 2003 fee together with an appropriate showing within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Finally, you mention that the Club was recently registered with the Commission Registration System (CORES) and issued a FCC Registration Number (FRN), but that your contact telephone number is incorrect. In 2001, the Commission amended its rules to require persons and entities doing business with the Commission to obtain a unique identifying number called the FRN and supply it when doing business with the Commission.<sup>2</sup> This requirement allows the Commission to better manage its financial systems, to improve compliance with various statutes that govern the financial operations of the Federal government, and to improve the efficiency of agency processes for the benefit of the public. The letter you received dated February 2, 2004 notifying you of your registration and issuance of a FRN was part of the implementation of this new requirement. Also, please note that your contact telephone number was corrected to reflect the number you supplied in your letter. Thank you for bringing this matter to our attention.

If you have any further questions concerning your CORES registration or FRN number, please contact the Commission's FRN Help Line toll-free at 1-877-480-3201 or visit our website at [www.fcc.gov](http://www.fcc.gov).

Sincerely,

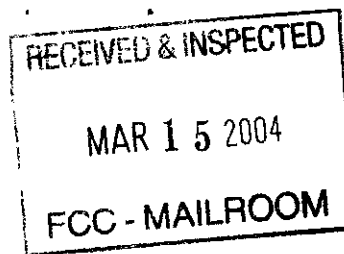


Mark A. Reger  
Chief Financial Officer

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<sup>2</sup> *Amendment of Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number*; MD Docket No. 00-205, Report and Order, 16 FCC Rcd 16138 (2001).

00000RR06-04-043



RECEIVED  
FCC  
03/04/2004  
Birney, MT 59012  
2004 MAR 11 P 3:15

Office of the Managing Director  
Federal Communication Commission  
445 12th Street, S W ,Room 1-A625  
Washington, D C 20554  
attn Regulatory Fee Waiver/Reduction Request

PROCESSING  
3/15/04

Ref Waiver of regulatory fees

We are asking for a waiver for the Birney TV Club , ID# 81-0417771, in Birney, Montana as it is a non-profit venture The club is supported solely by member dues which haven't been collected since 1994 We have two translators, K11CH facility ID5365 and K13RW facility ID5366. They are one watt translators with very limited range, less than fifteen mile radius in this terrain and they serve less than 50 families One half of the families live on the Cheyenne reservation and have never paid any dues. Most of our documentation has been lost over the years but I am sending two pages from our membership ledger.

We are also sending a copy of a letter we recieved saying we requested a CORES registration and it lists us as a corporation in the private sector. We never made that request Note the contact phone number. Our contact phone no is 406-984-6201 or 406-984-6233 and the area code in the letter is 202. ✓

Could you please help us on this matter, if we have to pay the fees we will have to shut of the translators and abandon them because of lack of funds.

Thank you for your help,  
Elmer Fjell

cores - changed  
T. Littleton  
3/18/04

Birney MT 59012

MAR 15 2004



Federal Communications Commission  
Washington, D.C. 20554

Date: 02/02/2004

Birney Tv Club  
FCC CONTACT  
P.O. Box 576  
Birney, MT 59012

Ref Manual Registration of CORES

As you requested, we have registered you with the Commission Registration System (CORES) and generated your FCC Registration Number (FRN). The Federal Communications Commission has implemented CORES and the FRN to more efficiently and effectively serve the public. You should use the FRN for all transactions and inquiries at the Federal Communications Commission.

**FCC Registration Number : 0010-2973-07**

**Entity Name :** Birney Tv Club  
**DBA/TA :**  
**Entity Type :** Private Sector  
**Business Entity Type:** Corporation

**Contact Org./Co. :**  
**Contact Position/Title :** FCC CONTACT  
**Contact :**

**Contact Address :** P.O. Box 576  
Birney, MT 59012

**Contact Country :** United States  
**Contact Email :**  
**Contact Phone :** (202) 418-8218  
**Contact Fax :**

1 set

ACCOUNT NO

SHEET NO

LP

CREDIT

DATE

7/71 T. V. dues from July 71 to Dec 71

4/5 72	" "		12.00	
3/4/73	" " 1972		12.00	
2/3/74	" " 1973		24 -	
2/4 75	" " 1974 (one channel)		12 -	
6/4 75	Special assessment - check		30 -	
3/4 76	Dues for 1975		12 -	
5/10/77	Dues for 1976		12	
2/4/80	1980 Dues	24.00		
3/31/81	Dues	24.00		
4/30/82	TV Dues	50.00		
6/7/83	Ch. for Dues		25.00	25.00
3/1/83	'83 dues	50.00		
2/4/83	1/2 yr dues		25.00	25.00
4/26/83	1/2 yr dues		25.00	0 -

3/17/84	1984 T V Dues	50.00		
5/1/84	Rec'd CK		50.00	0 -
1/14/85	1985 Dues	36.00		
3/9/85	Rec'd CK		36.00	0 -
3/9/86	'86 Dues	36.00		
3/9/86	Rec'd CK		36.00	0 -
12/88	87 TV Dues	36.00		
1/4/88	Rec'd <del>check</del> (Labor on tower)		36.00	0 -
1/15/81	TV Dues	36.00		
1/4/89	Rec'd check		36.00	0 -
2/27/90	1989 Dues	36.00		
2/1/93	1992 Dues	36.00		
1/5/93	Rec'd check		36.00	0 -
1/24/94	1993 Dues	36.00		
1/3/94	Rec'd CK			

Birney, Montana

James Gilliland

1 set

Jan 67 Balance Carried forward from 1966 dues

T. V. Dues for 1967

1/30 67 Check Received

2/6 68 " " Remission 1967 dues

11/13 68 " " 1968 dues

2/2 70 " " 1969 dues

4/14 71 " " 1970 dues

3/14 72 " " 1971 dues

4/4 73 " " 1972 "

4/11/74 " " 1973

11/29 75 " " 1974

4/28/75 Assessment

4/19/76 Check Received dues 1975

5/1/77 Check Received " 1976

1980 Sally Secretary

DEBIT	CREDIT	BALANCE
12 --		
24 --		36 --
	24 -	12 --
	12 -	
	24 -	
	24 -	
	24 -	
	24 -	
	24 -	
	24 -	
	30 -	
	24 -	
	24 -	

4/25/78 Check - Dues 1977 sec. #24.

5/1/82 Check on dues

4/13/83 CK for dues - Sec. #24.00

3/2/84 CK for dues - Sec. #24.00

3/12/85 1985 Dues - Sec. #24.00

5/2/88 1988 - Dues - Sec. #24.00

6/15/89 1988 - Dues Sec. #24.00

1/5/89 1988 - Dues " "

4/27/90 1989 Dues

7/21/90 Rec'd CK

6/1/93 1992 Dues

3/1/93 Rec'd CK

2/24/94 1993 Dues

8/8/94 Rec'd CK

24 00	- 0 -
26 00	
26 00	
26 12	26 12 - - -
12 00	13 02
12 00	12 00 - - 0 -
12 00	12 00 - - 0 -
12 00	12 00 - 0 - -
12 00	12 00 - - 0 -
12 00	12 00 - - 0 -
12 00	12 00 - - 0 -
12 00	12 00 - - 0 -

BILL EXISTS - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT

RAHIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 04REG02743

FRN 0010297307

Birney Tv Club

Bill Date 02/12/04

Bill Amount \$365.00

Bill Type REG9

Bill Paid \$0.00

Bill Due Date 03/13/04

Bill Balance Due \$365.00

Dunning Indicator

Bill Cycle

Interest Due \$0.00

Referral Code

Waiver

Penalty Due \$91.25

Print Seq # 00010191

Waiver Date

Admin Chg Due \$0.00

Transaction Date 03/29/04

Acct Period 06

Total Due \$456.25

Bill Description MB FY03 Non-Payment 0399 Late Fee \$ 91.25

Line Item Sequence 001

BFY FUND

PROG

ORG

PROJ

BOC

TYPE

Accounting Classification Code

0004 REG9

90

9500

065

0199

Product No. 0367

Quantity

Item Amount \$365.00

Document Status 6

Item Paid \$0.00

Transaction Code

Item Balance Due \$365.00

Reference Type

Reference No.

Line 000

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F6 SAVE F8 BACK F9 EXIT

3/29/2004 ARIPNL2

Bill Processing

Document Number 04RE002743

FRN 0010297307

Birney Tv Club

F1 NEXT

F9 EXIT



ARR014  
3/29/2004  
11:08:53

IFMIS COLLECTIONS SUBSYSTEM  
ACCOUNTS RECEIVABLE CUSTOMER-BILL REPORT

PAGE 1

CUSTOMER NO: 0010297307  
CUSTOMER NAME: Birney Tv Club  
CUSTOMER ADDRESS: P.O. Box 576

Birney

MT 59012

CONTROL NUMBER	ACCOUNTING PERIOD	TOTAL AMOUNT	INVOICE DATE	BILL DUE DATE	PRINT FLAG
04RE002743	0	\$456 25	2/12/04	3/13/04	
	INVOICE	INTEREST	PENALTY	ADMIN	
AMOUNT	\$365.00	\$0.00	\$91.25	\$0.00	
PAID	\$0.00	\$0.00	\$0.00	\$0.00	
DUE	\$365 00	\$0.00	\$91.25	\$0.00	
BILLED		\$0.00	\$0.00	\$0.00	

ARR001  
3/29/2004  
11:08:13

RAMIS ACCOUNTS RECEIVABLE - (C) DSG, Inc.  
ACCOUNTS RECEIVABLE CUSTOMER REPORT

PAGE 1

FRN	Type	Status	Name & Address
0010297307	C		Bitney TV Club P.O. Box 576 Bitney, MT 59012

Fed. ID No. 810417771  
POC: ELMER FJELL  
PHONE: 406-984-6201  
FAX NO :  
EMAIL: